

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISUMU
MISCELLANEOUS CRIMINAL APPLICATION NO. E009 of
2025

ISSA ABDUL
ODHIAMBO.....APPLICANT

VERSUS

REPUBLIC.....
....RESPONDENT

RULING

1. I have considered the application by the Applicant, who is currently serving a custodial sentence.

2. Noting that the Applicant is challenging the constitutionality of the life sentence “from the death aspect”, he can only properly do so vide a substantive constitutional petition as was directed in the ***Muruatetu II*** directions.

3. That being the position, the Applicant’s motion is hereby struck out.

4. This file is hereby closed.

DELIVERED (virtually) DATED and SIGNED this 3rd November, 2025.

JOE M. OMIDO

JUDGE

APPLICANT: Present, virtually.

RESPONDENT: **Ms. Muema.**

COURT ASSISTANTS: **Mr. Ngoge & Mr. Juma.**